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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,720	11/07/2005	Kazuyoshi Oshima	12088/039001	2059

22511 7590 06/26/2009  
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HOUSTON, TX 77010

EXAMINER
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KELLY, CATHERINE A

ART UNIT	PAPER NUMBER
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3634

NOTIFICATION DATE	DELIVERY MODE
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06/26/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/555,720	<b>Applicant(s)</b> OSHIMA ET AL.	
	<b>Examiner</b> CATHERINE A. KELLY	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3,9-11,13,18-22,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,9-11,13,18-22,24 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/8/09</u> .                                                  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 25, 2, 3, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 1- 151681. The guide apparatus of claim 25 is shown in the '681 reference in figures 1-3 where a roller 5 mounted on at least one of upper and lower edge portions of said door 4 via track 10; and a rotatable rail 6B having a length approximately equal to a width of said door 4 and arranged in a line extending horizontally in a left and right direction, wherein said rotatable rail 6B is supported by said main body 1 via bracket 18a such that said rotatable rail 6B rotates between a first rotation position and a second rotation position (the two positions clearly shown in figure 3) about a first rotation axis extending horizontally in the left and right direction, wherein

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said rotatable rail 6B includes a multi-sided end 15 forming supporting surface (approximately upper side of 15), an auxiliary track (approximately left side of 15), and an additional track (approximately right side of 15) parallel to said auxiliary track, wherein in said first rotation position, said rotatable rail supports door 4 in said set position by making said roller 5 ride on said supporting surface, wherein in said second rotation position, said rotatable rail 6B supports said door in said preparation position by making said roller 5 ride on said auxiliary track.

However, the '681 reference shows only one door having one rail.

A plurality of doors and rails would be mere duplication of parts and thus obvious, see MPEP 2144.40 VI Section B.

One of ordinary skill in the art would be motivated to duplicate the door of the '681 reference to cover a larger opening without making a single overly large or cumbersome door or to cover an opening where smaller doors might be easier to use, such as an area used by elderly people or children.

Regarding claim 2, the opening is shown in the '681 reference in figure 2 reference numeral 2 and the movement between closed set position and open non-set position is shown in figure 3 where closed is the lighter non-hash marked portion and open is the darker hash marked portion. The plurality of openings follows the plurality of doors and rails as noted in the above rejection of claim 25.

Regarding claim 3, Examiner takes Official Notice the holding members, such as spring loaded pins or pegs or any biased member for placement, are well known in the

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art and one of ordinary skill would have been motivated to use a biased holding member to ensure proper open placement of the plate like object.

Regarding claim 9, the receiving groove is shown in the '681 reference in figure 3 reference numeral 11a with dual surfaces 11b and 11c. However, the groove of the '681 reference is in the roller 5 which mates with rotatable member 6B. To have the groove on the rotatable member mating with the roller would be mere reversal of parts, see MPEP 2144.04 VI Section A. One of ordinary skill in the art would be motivated to reverse the parts as both grooved wheels and convex wheels for mating with grooved parts were known in the art and readily available.

Claims 10-11, 13-15, 18-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 1-151681 as applied to claim 9 above, and further in view of US patent 6926342. While the '681 reference shows a support bracket in figure 3 reference numeral 10, the bracket does not rotate as in claim 10. This is shown in the '342 reference in figures 1 and 2a-c where the plate like object is reference numeral 12 and rotatable bracket 18. One of ordinary skill in the art at the time of invention would be motivated to combine and add a rotatable bracket to the 681 apparatus because the rotatable bracket allows for ease of movement of the plate-like object away from the main body which is always desirable in plug type or flush doors.

Regarding claim 11, the disc shaped runner mounted on bracket is shown in the '681 reference in figures 3 and 4 where the roller is reference numeral 5, which mates in a grooved manner with rotatable member 6B having support surface and auxiliary track on multi-surfaced 15, and the bracket 10.

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Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 1-151681 and US 6926342 as applied to claim 11 above, and further in view of US patent 4644690. Neither the '681 nor the '342 reference shows the biasing member of claim 13. This is shown in the '690 reference in figures 2 and 3 reference numerals 26 and 43 and further taught in column 3 lines 39-51. One of ordinary skill in the art at the time of invention would be motivated to combine because biasing members were known in the art at the time to provide a secure primary position which can be overcome to reach a second position, as taught in the '690 reference in column 3 lines 39-51, and thus allow a secure close which is desirable in the art.

Regarding claim 18, the dual rollers/runners are shown in the '690 reference in figures 1-4 where the upper rollers/runners are reference numeral 23 and lower 36 and guide member 39 guiding secondary runner 36 with secondary rail 3 guiding preparation to non-set movement.

Regarding claim 19, the secondary guide projection is shown in the '690 reference in figure 3 reference numeral 38 on runner 36 into guide groove 39.

Regarding claim 20, the running portion and groove are shown in the '690 reference in figure 3 where the running portion is reference numeral 35, groove 34 and support bracket 32. The placement of the projection on the bracket or runner is mere rearrangement of parts and thus obvious, see MPEP 2144.40 VI Section C.

Regarding claim 21, the up/down movement is shown in the '681 reference in figure 3 where the lighter non-hatched portion is down and the darker hash marked portion is up. In combination with the guide groove of the '690 reference, the guide

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groove would necessarily be inclined as otherwise the combination would not work and would destroy the integrity of the inventions.

Regarding claim 22, the arrangement of the grooves is mere design choice based on the chosen arrangement of the runner and its respective parts. One of ordinary skill in the art would be motivated to choose one design over another based on factors such as durability of product, cost of manufacture, etc...

Regarding claim 24, secondary runner part 33 and attached running portion 35 being continuous with secondary rail 3 in the set position is shown in the '690 reference in figures 1 and 6.

### ***Response to Arguments***

Applicant's arguments with respect to claim 25 and its dependants have been considered but are moot in view of the new ground(s) of rejection.

In regards to applicant's argument that no priority documents need to be furnished, Examiner received no priority documents from the International Bureau and thus to receive priority in the United States, documents must be sent in.

When all the requirements for a national stage application have been completed, applicant is notified (Form PCT/DO/EO/903) of the acceptance of the application under 35 U.S.C. 371, including an itemized list of the items received. The itemized list includes an indication of whether priority documents were received and transmitted. Note that applicant's DO/EO/903 does not list the priority documents as received.

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Examiner acknowledges applicant's changes in terms to overcome drawing objections.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE A. KELLY whose telephone number is (571)270-3660. The examiner can normally be reached on Monday through Friday 9am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone



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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. K./  
Examiner, Art Unit 3634

/KATHERINE W MITCHELL/  
Supervisory Patent Examiner, Art  
Unit 3634

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